

**DiFrancesco, Bateman, Kunzman,  
Davis, Lehrer & Flaum, P.C.**

15 Mountain Boulevard

Warren, NJ 07059

(908) 757-7800

Attorney ID# 020011980

Attorneys for Defendant Kenneth Downey, improperly pleaded as Kevin Downey

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<p>DENARD C. TRAPP,</p> <p>Plaintiff,</p> <p>v.</p> <p>KENNETH DOWNEY, improperly pleaded as Kevin Downey,</p> <p>Defendant.</p>	<p><b>CIVIL ACTION No. 3:22-cv-00055-PGS-DEA</b></p> <p><b>Civil Action</b></p> <p><b>DECLARATION OF PAUL R. RIZZO, ESQ. IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS</b></p>
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Paul R. Rizzo, Esq., being over 18 years of age, pursuant to 28 U.S.C. §1746, hereby declares as follows:

1. I am a partner of the law firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., and counsel for Defendant Kenneth Downey. I submit this Declaration in support of said Defendant's Motion to Dismiss the Complaint.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint in this matter.

I declare under penalty of perjury that the foregoing is true and accurate.

DiFrancesco, Bateman, Kunzman,  
Davis, Lehrer & Flaum, P.C.  
Counsel for Defendant Kenneth Downey

By:   
Paul R. Rizzo

Dated: April 26, 2022

## UNITED STATES DISTRICT COURT

for the  
District of New Jersey

Division

Denard C. Trapp

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)  
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Kevin Downey

Jury Trial: (check one) ☒ Yes ☐ No

Defendant(s)  
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Denard C. Trapp
Street Address	17 Steven Ave
City and County	Tinton Falls Monmouth County
State and Zip Code	New Jersey
Telephone Number	732-539-9577
E-mail Address	MR1Trapp@aol.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

3:22-CV-00055-PGS-DEA

Defendant No. 1

Name	Kevin Downey
Job or Title (if known)	
Street Address	18 Marland Lane
City and County	Tinton Falls, Monmouth
State and Zip Code	New Jersey, 07724
Telephone Number	
E-mail Address (if known)	

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 3

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 4

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

## H. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Perjury, possession of stolen property N.J.S.A. 2C:20-7, under false pretenses; in criminal law, property is obtained by false pretenses when the acquisition results from intentional misrepresenting of a past or existing fact. Therefore the person who obtains ownership of property by deceit does not obtain full title to the property; only a voidable title.

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) Denard C. Trapp, is a citizen of the State of (name) New Jersey.

##### b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_ and has its principal place of business in the State of (name) \_\_\_\_\_.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) Kevin Downey, is a citizen of the State of (name) New Jersey. Or is a citizen of (foreign nation) \_\_\_\_\_.

6. If the defendant is a corporation  
 The defendant, (name) \_\_\_\_\_, is incorporated under  
 the laws of the State of (name) \_\_\_\_\_, and has its  
 principal place of business in the State of (name) \_\_\_\_\_  
 Or is incorporated under the laws of (foreign nation) \_\_\_\_\_  
 and has its principal place of business in (name) \_\_\_\_\_  
 (If more than one defendant is named in the complaint, attach an additional page providing the  
 same information for each additional defendant.)

3. The Amount in Controversy  
 The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at  
 stake—is more than \$75,000, not counting interest and costs of court, because (explain):  
 700,000.00

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Mr. Kevin Downey knowingly give false testimony of a pertinent nature during trial 18-11-01516-1. Then submitted or declared, contradictory statements to the "Superior Court of New Jersey Appellate Division for docket No. A-4178-18. This denied me due process and a fair trial, years of my life and year from my children,

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I demand an immediate return of my home and the funds mentioned in b. 3. 700,000.00 to repair it to a livable condition, and Mr. Kevin Downey prosecuted for the crime he committed. Because of Mr. Kevin Downey willful defamation, I was denied my mother's remaining days on this earth for I was one of my mother's caregivers as well as irreparable harm to my children and mine relationship. So for that, I deserve 10,000,000.00



Case 1 (Rev. 12/16) Complaint for a Civil Case

The attached documents are as follows: Letter from State of New Jersey Department of Treasury, certifying GDBT 1 TRUST 2011-1 has no records. Which bars them from commencing any litigation in the state pursuant to N.J.S.A. 14A:13-11 (1). Foreclosure Case Information Statement the caption state only "GDBT 1 TRUST 2011-1 vs. Denard C. Trapp, et. al. date filed April 4, 2013, Contesting Answer, and Affirmative Defenses filed on June 5, 2013, The Superior Court of New Jersey Appellate Division Docket No. A-4178-18 where Mr. Downey told willful inconsistencies, last but not least, the "WRIT of EXECUTION" dated 9/22/2014 which is a flawed document.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/29/2021

Signature of Plaintiff *Denard C. Trapp*  
Printed Name of Plaintiff Denard C. Trapp

**B. For Attorneys**

Date of signing: 12/29/2021

Signature of Attorney *Denard C. Trapp*  
Printed Name of Attorney Denard C. Trapp

Bar Number \_\_\_\_\_

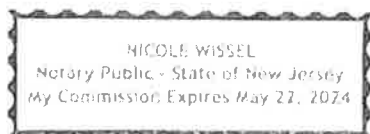
Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_



*Nicole Wisel* 12/28/21 Page 5 of 5

## Victoria Abstract Settlement Services, LTD

200 Route 9 Suite 300  
Manalapan NJ 07726

File Number / Escrow Number: NJT-3865

Officer/Escrow Officer:

Settlement Location:

Property Address:

18 Marland Lane  
Eatontown NJ 07724

Buyer:

Janine Marsico and Kenneth Downey

Seller:

18 Marland Lane, LLC

Lender:

Settlement Date:

August 17, 2018

Disbursement Date: August 17, 2018

Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
		Financial		
	\$480,000.00	Sale Price of Property	\$480,000.00	
		Deposit		\$10,000.00
		Loan Amount		\$384,000.00
\$10,000.00		Excess Deposit		
		Prorations/Adjustments		
\$973.56		City/Town Taxes 8/17/2018 to 12/31/2018	\$973.56	
\$45.56		County Taxes 8/17/2018 to 09/30/2018	\$45.56	
		Loan Charges		
		Commitment to Wells Fargo Bank, N.A.	\$995.00	
		Tax Service to Wells Fargo Bank, N.A.	\$80.00	
		Prepaid Interest (\$48.66 per day from 8/17/2018 to 9/1/2018)	\$729.90	
		Appraisal Fee (B/POC: \$490.00) CoreLogic Valuation Solutions		
		Credit Report Fee (B/POC: \$15.43) Corelogic Credco, LLC		
		Other Loan Charges		
		Impounds		
		Homeowner's Insurance \$101.58 per month for 3 mo.	\$304.74	
		Property Taxes \$597.19 per month for 4 mo.	\$2,388.76	
		Aggregate Adjustment	(\$284.32)	
		Title Charges & Escrow / Settlement Charges		
		Title - Owner's Title Insurance (optional) to Victoria Abstract Settlement Services, LTD.	\$433.00	
		Title - Settlement Copy Charge to Victoria Abstract Settlement Services, LTD.	\$25.00	
		Title - Settlement Service to Victoria Abstract Settlement Services, LTD.	\$500.00	
		Title - E-Document Fee to Victoria Abstract Settlement Services, LTD.	\$50.00	
		Title - Recording Handling fee to Victoria Abstract Settlement Services, LTD.	\$10.00	
		Title - Closing Service Letter (NJ) to Victoria Abstract Settlement Services, LTD.	\$75.00	
		Title - ALTA 8.1-06 EPL (LP) (NJR8 5-94) to Victoria Abstract Settlement Services, LTD.	\$25.00	
		Title - ALTA 9-06 REM (Res.) (LP) (NJR8 5-95) to Victoria Abstract Settlement Services, LTD.	\$25.00	

Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
		Title - Survey (LP) (NJRB 5-01) to Victoria Abstract Settlement Services, LTD.	\$25.00	
		Title - Secondary Mortgage Market (LP) (NJRB 5-32) to Victoria Abstract Settlement Services, LTD.	\$25.00	
		Title - State UCC's to Victoria Abstract Settlement Services, LTD.	\$50.00	
		Title - Tax and Assessment Searches to Victoria Abstract Settlement Services, LTD.	\$35.00	
		Title - Tideland's Search to Victoria Abstract Settlement Services, LTD.	\$25.00	
		Title - Transaction Management Fee to Victoria Abstract Settlement Services, LTD.	\$35.00	
		Title - Upper Court Searches/Patriot Name Search to Victoria Abstract Settlement Services, LTD.	\$65.00	
		Title - Searcher Copy Charge to Victoria Abstract Settlement Services, LTD.	\$90.00	
\$30.00		Title - Overnight/Wire Fees to Victoria Abstract Settlement Services, LTD.	\$60.00	
		Title - Chancery Abstract to Victoria Abstract Settlement Services, LTD.	\$185.00	
		Title - Corporate Status Report to Victoria Abstract Settlement Services, LTD.	\$70.00	
		Title - Examination to Victoria Abstract Settlement Services, LTD.	\$100.00	
		Title - Filed Notice of Settlement (2) to Victoria Abstract Settlement Services, LTD.	\$50.00	
		Title - Notary Fee to Victoria Abstract Settlement Services, LTD.	\$25.00	
		Title - Lenders Title Insurance to Victoria Abstract Settlement Services, LTD.	\$1,732.00	
		Commission		
\$10,750.00		Real Estate Commission Buyers Broker to Keller Williams Realty East Monmouth		
\$8,450.00		Real Estate Commission Sellers Broker to Coldwell Banker Residential Brokerage		
		Government Recording And Transfer Charges		
		Recording Fee Deed to Monmouth County Clerk	\$150.00	
		Recording Fee Mortgage to Monmouth County Clerk	\$250.00	
\$3,983.00		State Transfer Tax to Monmouth County Clerk		
		Payoff(s)		
		Miscellaneous		
		Attorney Fees - Buyer to Mikita & Rocanova	\$1,100.00	
\$950.00		Attorney Fees - Seller to Kelly Law, P.C.		
		Sewer 10/1-12/31 to Borough of Tinton Falls	\$94.75	
		Homeowner's Insurance Premium (12 mo) Liberty Mutual	\$1,219.00	
\$1,656.31		Property Taxes- 3rd Qtr to Borough of Tinton Falls		
Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
\$35,819.31	\$481,019.12	Subtotals	\$491,762.95	\$394,000.00
		Due from Janine Marsico and Kenneth Downey		\$97,762.95
\$445,199.81		Due to 18 Marland Lane, LLC		
\$481,019.12	\$481,019.12	Totals	\$491,762.95	\$491,762.95



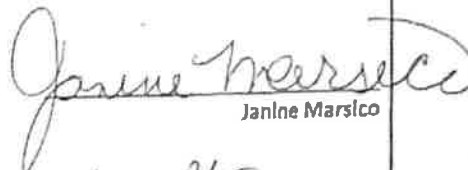
**Acknowledgement**

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Victoria Abstract Settlement Services, LTD to cause the funds to be disbursed in accordance with this statement.



18 Marland Lane, LLC

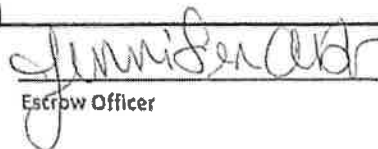
Charles P. Kelly, Esq.  
Attorney at Law, NJ/NY



Janine Marsico



Kenneth Downey



Escrow Officer

Case 3:22-cv-00055-PGS-DEA Document 4 Filed 01/18/22 Page 1 of 2 PageID: 59

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DENARD C. TRAPP,  
*Plaintiff*

V.

SUMMONS IN A CIVIL CASE

KEVIN DOWNEY,  
*Defendant*

CASE  
NUMBER: 3:22-CV-00055-PGS-DEA

TO: *(Name and address of Defendant):*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

s/ WILLIAM T. WALSH  
CLERK



ISSUED ON 2022-01-18 14:41:18, Clerk  
USDC NJD

of Process:  
3:22-cv-00055-PGS-DEA TRAPP v. DOWNEY

PROSE+,PROSE

Paper recipients: 1 Mailing Labels

U.S. District Court

District of New Jersey [LIVE]

**Notice of Electronic Filing**

The following transaction was entered on 1/18/2022 at 2:41 PM EST and filed on 1/18/2022

**Case Name:** TRAPP v. DOWNEY

**Case Number:** 3:22-cv-00055-PGS-DEA

**Filer:**

**Document Number:** 4

**Docket Text:**

**SUMMONS ISSUED** as to KEVIN DOWNEY. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney Information and serve. (jdb, )

3:22-cv-00055-PGS-DEA Notice has been electronically mailed to:

3:22-cv-00055-PGS-DEA Notice has been sent by regular U.S. Mail:

DENARD C. TRAPP  
17 STEVEN AVE  
TINTON FALLS NJ 07724  
US

DEA TRAPP v. DOWNEY

PROSE+,PROSE

Paper recipients: 1 Mailing Labels

U.S. District Court

District of New Jersey [LIVE]

**Notice of Electronic Filing**

The following transaction was entered on 1/18/2022 at 2:41 PM EST and filed on 1/18/2022

Case Name: TRAPP v. DOWNEY

Case Number: 3:22-cv-00055-PGS-DEA

Filer:

Document Number: 4

**Docket Text:**

**SUMMONS ISSUED** as to KEVIN DOWNEY. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. (jdb, )

3:22-cv-00055-PGS-DEA Notice has been electronically mailed to:

3:22-cv-00055-PGS-DEA Notice has been sent by regular U.S. Mail:

DENARD C. TRAPP

17 STEVEN AVE

TINTON FALLS NJ 07724

US



PROSE+,PROSE

~~DOWNNEY~~

U.S. District Court

District of New Jersey [LIVE]

**Notice of Electronic Filing**

The following transaction was entered on 1/18/2022 at 2:40 PM EST and filed on 1/18/2022

Case Name: TRAPP v. DOWNEY

Case Number: 3:22-cv-00055-PGS-DEA

Filer: DENARD C. TRAPP

Document Number: No document attached

Docket Text:

COMPLAINT filed. Re: [1](jdb)

3:22-cv-00055-PGS-DEA Notice has been electronically mailed to:

3:22-cv-00055-PGS-DEA Notice has been sent by regular U.S. Mail:

DENARD C. TRAPP  
17 STEVEN AVE  
TINTON FALLS, NJ 07724

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

1 MAR 22 A 11: 53

USDC FOR NJ

Denard C. Trapp

Plaintiff,

v.

Case No.: 3:22-cv-00055-PGS-DEA

Kevin Downey

Defendant.

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**MOTION REQUESTING SUMMARY JUDGMENT**

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COME NOW Plaintiff Denard C. Trapp, who move for "SUMMARY JUDGMENT" due to the demonstrative facts set forth in Mr. Kevin Downey inconsistent statements under oath in matter No. 18-11-1516 before "The Superior Court of Monmouth County New Jersey, Law Division. Then Mr. Kevin Downey told a complete opposing story on appeal before "The Superior Court of New Jersey Appellate Division Docket No. A-4178-18, submitted March 1, 2021- decided July 15, 2021.

This amounts to **perjury**, which consists of; making a false statement under oath, either in writing or verbally, that one knows is false, and that is material to the proceedings in which the statement is made.

The penalties or punishment for perjury in New Jersey vary from no jail time to four years in state prison based on the severity of its effects.

This perjury is coupled with possession of stolen property N.J.S.A. 2C:20-7, under false pretenses; in criminal law, property is obtained by false pretenses when the acquisition results from **intentional misrepresenting** of a past or existing fact. Therefore the person who obtains ownership of property by deceit does not obtain full title to the property; only a voidable title.

The following documents will set forth the fraud narrative;

On April 4, 2013 Kathryn M. Gilbertson Shabel, Esq. of the PARKER McCAY P.A. located at 9000 Midlantic Drive, Suite 300 P.O. Box 5054 Mount Laurel, New Jersey 08054-1539 filed a "Foreclosure Case Information Statement" in violation of "Administrative Order 01-2010", N.J.S.A. 14A:13-4 & N.J.S.A. 14A:13-11 and New Jersey's "Closed-Door Policies." (See Exhibit A)

In response to the filing of the "Foreclosure Case Information Statement" on April 4, 2013 by Kathryn M. Gilbertson Shabel, Esq. a "Contesting Answer, And Affirmative Defenses was filed "June 05, 2013". (See Exhibit B)

The facts are clear and the standard is set, the plaintiff must prove his case by a preponderance of the evidence. Under this standard, a plaintiff should prevail by showing that more likely than not everything plaintiff has said is true and therefore is entitled to a legal remedy.

The fact that "GDBT 1 TRUST 2011-1" never had standing to litigate makes all rulings that stems from Docket F-11243-13 "Void AB initio"!

The genesis of the ordeal is GDBT 1 TRUST 2011-1 was and is not licensed or registered to do business in New Jersey. (See letter from the secretary of state Exhibit C).

There is case law and statutory authority that support this premise, that a foreign corporation **must** file a certificate of authority with the New Jersey Secretary of State, also certify that the entity is in good standing in the jurisdiction of its incorporation. (N.J.S.A. 14A:13-4)

The failure to obtain the certificate of authority, would preclude any entity from commencing any action or proceeding due to a lack of standing in any New Jersey Court, pursuant to N.J.S.A. 14A:13-11.

### **The Denial of my Procedural Due Process**

The standards for "**Procedural Due Process**" to be obtained, requires when the federal or local government acts in way that denies a citizen of a life, liberty, or property interest, the person **must** be given notice, the opportunity to be heard and a decision by a neutral decision maker.

**Point 1.** Of the denial of my procedural due process; I was never given notice! As the letter dated January 14, 2014 claim to be mailed. If properly scrutinized the certified mailing numbers #71969008911131037578 was created but never mailed out. (Exhibit D)

**Point 2.** In New Jersey a fraud on the court occurs "where it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering as Mr. Kelly Marling Esq. of PARKER McCAY P.A. did. (See Exhibit E)

**Point 3.** The State of New Jersey Knew or should that known that GDBT 1 TRUST 2011-1 never had standing to litigate. So they resorted to violating my rights with the aid of willful accomplices better known as chain conspirators.

Standard for **"Chain Conspiracy"** an offense, that involves several transactions all directed toward a common unlawful objective. The New Jersey's code N.J.S.A. 2C:5-2 explains in great detail.

State v. Hutchins 116 N.J. 457 (1989) 561 A.2d 1142.

Warrantless entry onto private property without probable cause is reversible error and the Appellate Div. reasoned that the suppression order was properly granted because **"exigency"** did not exist.

The officer's report for incident 16TF13168 makes clear I told all officers **"I don't consent to you being on my property"** and for some reason they had ownership issues before attacking me. (See Exhibit F)

Monmouth County's Prosecutor Office **conceded** to violating my **Constitutional Rights** in their March 10, 2021 Appellate Brief as well as to allow me to bring- up the claim that I was subjected to an unreasonable search and seizure at **my property** in the remanded trial. (See Exhibit G)

**Attorney Michael Denny Esq.** certified in his point number 10 of the "Certification of Counsel's Support of Defendant's Motion to Accelerate Appeal" every day I remains in prison constitutes an irreparable harm. That harm lasted 2 years 10 months and a few days, my mother died, I was without my children to guide them in the ways of life. (See Exhibit H)

The Superior Court of New Jersey Appellate Division Docket No. A-3629-18 said on the last page. "Any issues raised in defendant's pro se supplemental brief may be renewed on remand before the trial court, in which I was denied by more schemes. (See Exhibit I)

Since everything was dismissed I want my home. (See Exhibit J)

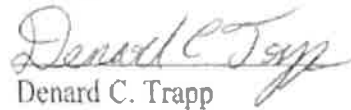
In conclusion, I never received notice, therefore I never lost possession of my home, GDBT 1 TRUST 2011-1 never had standing to litigate, and it is well establish that New Jersey Courts under Rule 12 (b) (1) "Subject-matter jurisdiction is the first question in every case, and if the court concludes that it lacks {2007 U.S. Dist. LEXIS 4} jurisdiction it **must** proceed no further." *Illinois v. City of Chicago*, 137 F.3d 474, 478 (7<sup>th</sup> Cir. 1998). On a motion to dismiss under Rule 12 (b)(1) for lack of subject matter jurisdiction, **"courts must accept as true all material allegations of the complaint, and must construe the complaint in favor of the complaining party."** *Access 4 All, Inc. v. Chi Grande, Inc.*, No. 06 C 5250, 2007 U.S. Dist. LEXIS 35304,



2007 WL 1438167, at \*3 (N.D. Ill. May 10, 2007) (quoting *Samuel v. Bd. of Trade*, 62 F.3d 925 (7<sup>th</sup> Cir. 1995)).

I demand the return of my home immediately with the compensation I requested and the justice that is required for this matter.

All Rights Reserved

  
Denard C. Trapp

Cc Kevin Downey  
18 Marland Lane  
Tinton Falls, New Jersey 07724  
Certified# 7021 2720 0002 6840 0751

 3/22/2022  


**AUTHORIZATION & AGREEMENT FOR LEGAL REPRESENTATION****VICTIM:**

I hereby confirm that I have authorized my attorneys, the New Jersey Crime Victims' Law Center (NJCVC) and any attorneys affiliated with NJCVC or acting on its behalf or in conjunction with it, to represent me in all matters relating to my victimization, including but not limited to, my interactions with the police and prosecutor, the Victims of Crime Compensation Office and before any court or agency in the state of New Jersey. This authorization shall include access to all information to which I am legally entitled, including the right to review and receive copies of police reports, VCCO and prosecutor's records, other governmental or private records and any additional items that will enable my attorney to best represent my interests. Furthermore, my attorney shall have the right to be present on my behalf, physically or by electronic means, on all occasions where I am interviewed or otherwise requested to be present to provide information. I agree to be fully cooperative with my attorney at all times.

I understand the source of the funding to pay for the attorneys' services will come from the Victims of Crime Compensation Office (VCCO). In consideration for NJCVC providing legal representation at no cost to me, I agree to comply with all requirements and requests of NJCVC and the VCCO in connection with my claim to assure that payment will be made by the VCCO to the attorney. Furthermore, I represent that I (and the deceased victim if this is a homicide) do not have any outstanding warrants or fines in the Superior Court or Municipal Courts of New Jersey; that there are no pending charges against me in any court, and that I have been fully cooperative with the police at all times. I understand and agree that if the VCCO fails to pay the NJCVC attorney because of an outstanding court warrant or charge against me, I will address the matter immediately and have it concluded. If I refuse to cooperate or comply with this Authorization in any way, I will be personally responsible for the cost of the attorney, who provided legal services to me.

I authorize the VCCO to provide my claim Personal Identification Number (PIN) to NJCVC.

Dated:

3-18-22



Victim or Victim's Authorized Representative

## AUTHORIZATION &amp; AGREEMENT FOR LEGAL REPRESENTATION

## VICTIM:


I hereby confirm that I have authorized my attorneys, the New Jersey Crime Victims' Law Center (NJCVC) and any attorneys affiliated with NJCVC or acting on its behalf or in conjunction with it, to represent me in all matters relating to my victimization, including but not limited to, my interactions with the police and prosecutor, the Victims of Crime Compensation Office and before any court or agency in the state of New Jersey. This authorization shall include access to all information to which I am legally entitled, including the right to review and receive copies of police reports, VCCO and prosecutor's records, other governmental or private records and any additional items that will enable my attorney to best represent my interests. Furthermore, my attorney shall have the right to be present on my behalf, physically or by electronic means, on all occasions where I am interviewed or otherwise requested to be present to provide information. I agree to be fully cooperative with my attorney at all times.

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I authorize the VCCO to provide my claim Personal Identification Number (PIN) to NJCVC.

Dated:

3-14-2022

 Janine Marsico

Victim or Victim's Authorized Representative



## Tinton Falls Police Department

556 Tinton Ave TINTON FALLS, NJ 07724 (732)542-4422

Deputy Report for Incident 18TF11194

Nature: SUSPICIOUS  
Location: P362N

Address: 18 Marland Ln  
TINTON FALLS NJ 07724

### Offense Codes:

Received By: Rodriguez, Jo      How Received: T      Agency: P36  
Responding Officers: Cahill, B, Pierson, Kyle, Flynn, J  
Responsible Officer: Cahill, B      Disposition: ACT 09/09/18  
When Reported: 18:20:38 09/09/18      Occurred Between: 18:18:51 09/09/18 and 18:18:51 09/09/18

Assigned To:  
Status:

Detail:  
Status Date: \*\*/\*\*/\*\*

Date Assigned: \*\*/\*\*/\*\*  
Due Date: \*\*/\*\*/\*\*

### Complainant:

Last:  
DOB: \*\*/\*\*/\*\*  
Race:

First:  
Dr Lic:  
Sex:      Phone:

Mid:  
Address:  
City: ,

### Offense Codes

Reported:

Observed:

### Circumstances

Responding Officers:      Unit :  
Cahill, B      P36075  
Pierson, Kyle      P36044  
Flynn, J      P36077

Responsible Officer: Cahill, B  
Received By: Rodriguez, Jo  
How Received: T Telephone  
When Reported: 18:20:38 09/09/18  
Judicial Status:  
Misc Entry:

Agency: P36  
Last Radio Log: 18:50:14 09/09/18 C  
Clearance: RR Report Required  
Disposition: ACT Date: 09/09/18  
Occurred between: 18:18:51 09/09/18  
and: 18:18:51 09/09/18

Modus Operandi:

Description :

Method :

### Involvements



Deputy Report for Incident 18TF11194

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Date	Type	Description	Relationship
09/09/18	Name	TRAPP, DENARD C	Offender
09/09/18	Name	DOWNEY, KENNETH R	Complainant
09/09/18	Cad Call	18:20:38 09/09/18 SUSPICIOUS	Initiating Call

03/15/22

Deputy Report for Incident 18TF11194

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**Narrative**

On the above date and time, I (Ptl. Cahill #75), responded to 18 Marland Ln. in reference to an unwanted subject at the residence. It should be noted, the accused, Denard Trapp, has been an ongoing issue at this residence because he fails to believe that he foreclosed on the house. Furthermore, it should be noted there have been court cases related to Trapp trying to get ownership of the residence again, however were overruled by judges.

Upon arrival, I met with the complainant, Kenneth Downey, who explained that he recently bought the house and closed on 8/17/18 but have only been living at this location since 9/6/18. On 9/6/18, Downey claimed that Trapp arrived and attempted to show proof that he (Trapp) still owns the property. At this time, Downey ordered Trapp to get off his property and contacted the police (see incident 18TF11077). Downey stated the incident that occurred tonight was in the same fashion. Downey expressed concern due to his recent move to the area and young family, he does not want Trapp ever returning to this location.

I contacted CMCA Stephanie Esdaile and advised her of the situation. I informed her that Downey did not want to sign a civilian complaint against Trapp at this time but would like the matter addressed. CMCA Esdaile advised me to contact Trapp via telephone (current address is unknown) and notify him that if he returns to the property of 18 Marland Ln. in this jurisdiction, he is to be arrested and charged with being a defiant trespasser.

I contacted Trapp and informed him of the current situation. I confirmed the person I was talking to was in fact Trapp due to previous encounters and made sure that he acknowledged the new stipulation against this property. This phone call was made through the Watch Commander line on 9/9/18 at 19:25 hours.

I made an entry in the Roll Call book and added a comment for Denard Trapp in Spillman.

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**Responsible LEO:**

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**Approved by:**

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**Date**

03/15/22

Deputy Report for Incident 18TF11194

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### Supplement

CAD Call info/comments

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male shows up to her house claiming to be his own house / Denard Trapp is  
accused

18:21:04 09/09/2018 - Rodriguez, Jo  
left house in black mazda

18:21:23 09/09/2018 - Rodriguez, Jo  
unknown reg

18:21:43 09/09/2018 - Rodriguez, Jo  
about 6ft male / thin / black male / bald glasses

18:22:26 09/09/2018 - Civello, L  
name # 40300

18:22:28 09/09/2018 - Rodriguez, Jo  
caller states he used to live there in 2013/ states house was foreclosed on him

18:23:03 09/09/2018 - Rodriguez, Jo  
button down / khakis / black jacket

18:35:03 09/09/2018 - Civello, L - From: Cahill, B  
10-4

03/15/22



# Tinton Falls Police Department

556 Tinton Ave TINTON FALLS, NJ 07724 (732)542-4422

Deputy Report for Incident 18TF11422

Nature: SUSPICIOUS

Location: P362N

Address: 18 MARLAND LN

TINTON FALLS NJ 07724

## Offense Codes:

Received By: Valenzano, K

How Received: T

Agency: P36

Responding Officers: Mauer, J, Tallarico, J, Schuler, J

Responsible Officer: Schuler, J

Disposition: 09/14/18

When Reported: 14:37:01 09/14/18

Occurred Between: 14:35:21 09/14/18 and 14:35:21 09/14/18

Assigned To:

Status:

Detail:

Status Date: \*\*/\*\*/\*\*

Date Assigned: \*\*/\*\*/\*\*

Due Date: \*\*/\*\*/\*\*

## Complainant:

Last:

First:

Mid:

DOB: \*\*/\*\*/\*\*

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

## Offense Codes

Reported:

Observed:

## Circumstances

Responding Officers:

Unit :

Mauer, J

P36078

Tallarico, J

P36059

Schuler, J

P36062

Responsible Officer: Schuler, J

Agency: P36

Received By: Valenzano, K

Last Radio Log: 19:33:31 09/14/18 C

How Received: T Telephone

Clearance: NR No Report

When Reported: 14:37:01 09/14/18

Disposition: Date: 09/14/18

Judicial Status:

Occurred between: 14:35:21 09/14/18

Misc Entry:

and: 14:35:21 09/14/18

Modus Operandi:

Description :

Method :

## Involvements



*Deputy Report for Incident 18TF11422*

*Page 2 of 5*

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<b>Date</b>	<b>Type</b>	<b>Description</b>	<b>Relationship</b>
09/15/18	Name	TRAPP, DENARD C	Defendant
09/15/18	Name	DOWNEY, KENNETH R	Victim
09/14/18	Cad Call	14:37:01 09/14/18 SUSPICIOUS	Initiating Call

03/15/22

Deputy Report for Incident 18TF11422

Page 3 of 5

**Narrative**

On Friday, September 15, 2018, county dispatch received a call for service from the resident at 18 Marland Drive, Kenneth Downey indicating that Denard Trapp was trespassing on the property while going through his mail situated inside his mailbox. This is an ongoing issue with Mr. Trapp who has preformed similar acts on numerous occasions in the past. The previous incident occurred on 9/9/2018 (18TF11194) during which time Ptl. Cahill #75 made contact with Mr. Trapp via telephone communication and once again advised him that if he ever returned to the property of 18 Marland Drive for any reason he would be charged with trespassing. Due to the severity of past incidents involving Mr. Trapp multiple units responded to the area in attempt to locate Mr. Trapp who fled the scene in a gray Chevy Equinox New Jersey registration C82-JYJ (rental vehicle/NJDOL suspended). After canvassing the area which produced negative results, I responded to 18 Marland Drive in order to speak with the caller. Upon my arrival I asked Mr. Downey to explain the incident to which he stated that Denard Trapp was trespassing on his property after being advised by police not to do so and was going through his mail. Mr. Downey then confronted Mr. Trapp and politely requested for him to leave after which time Mr. Trapp became extremely agitated and began to shout profanities at Mr. Downey who was accompanied by his two (2) small children and fiancé.

Mr. Downey then attempted to use his cell phone to record the incident during which time Mr. Trapp entered back into his vehicle and quickly left the area. Mr. Downey was unsure if Mr. Trapp stole any of his mail but did notice that Mr. Trapp once again failed to remove the mail addressed to him from different municipal courts. Mr. Downey informed me that Mr. Trapp's irrational and unpredictable behavior is a major cause for concern regarding the safety of his family and has created a large amount of emotional distress since acquiring their new home. Mr. Downey explained how he has been patient and polite with Mr. Trapp on other occasions however the previous two (2) encounters lead him to believe that Mr. Trapp is mentally unstable and fully capable of causing harm to his family. In addition, Mr. Downey expressed the likelihood of a physical altercation occurring if Mr. Trapp returns to his residence and displays similar behavior. Mr. Downey once again expressed his concerns for the safety of his family especially since Mr. Trapp failed to comply with Ptl. Cahill's order not to return to the property.

I then requested for Mr. Downey to report to the Tinton Falls Police Department in order to provide a typed written statement regarding this incident, he agreed (see statement for further details). Mr. Trapp was subsequently charged with harassment, stalking and criminal trespassing on warrant number 216. Mr. Trapp was entered into NCIC as wanted person

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 Responsible LEO:

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 Approved by:

---

 Date

03/15/22

Deputy Report for Incident 18TF11422

Page 4 of 5

### Supplement

CAD Call info/comments

=====

DONAD TRAPP WAS ON LOCATION GOING THROUGH HER MAILBOX /// HE LEFT OUT TO THE RIGHT

14:37:42 09/14/2018 - Valenzano, K

\*\*PLATE ATTACHED\*\*

14:37:52 09/14/2018 - Valenzano, K

WHEN I ASKED FOR A DESC SHE SAID I TOLD YOU THE PLATE

14:46:19 09/14/2018 - Fisher, M

x2 calls about subj; kennieth downy 617-593-1173 ; stated acc subjt darnell trapp keeps harrasing his family and is going through the mailbox

14:50:32 09/14/2018 - Fisher, M

acc is sp# 40300

03/15/22